

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Seventeenth Judicial District Court, County of Valley

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-11-011
-vs-	)	
	)	DECISION
JENNIFER LEE BIRKOSKI	)	
(a/k/a Jennifer Bettin),	)	
	)	
Defendant.	)	

On October 17, 2017, the District Court revoked the Defendant's suspended sentence for Counts 4, 5, and 11: Criminal Distribution of Dangerous Drugs. On November 21, 2017, the District Court sentenced the Defendant on Count 4 to the Department of Corrections for five (5) years and a \$2000 fine. On Count 5, the Defendant was sentenced to the Department of Corrections for five (5) years and a \$2000 fine. On Count 11, the Defendant was sentenced to the Department of Corrections for five (5) years and a \$1000 fine. The Defendant's previous 38 days of credit for time served paid off \$2,850 of the total \$5000 fine. The remaining total fine of \$2,150 is owing. The sentences were ordered to run concurrently with each other. No street time was granted. The Court recommended placement at Elkhorn treatment facility or other appropriate facility.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 6<sup>th</sup> day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION

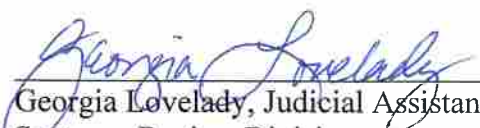
  
Hon. Kathy Seeley, Chairperson

  
Hon. Brenda Gilbert, Member

  
Hon. Dan Wilson, Member

Copies mailed this 3rd day  
of May, 2018, to:

Clerk of District Court (Original)  
Jennifer Lee Birkoski #3009338, Defendant (2)  
Hon. Yvonne Laird  
Brent Getty, Defense Counsel  
Dylan Jensen, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division